IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

CRP.No. 59 of 2007

EP.20/2005 IN ARC.918/2003 OF MUNSIFF'S COURT, TIRUR

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REVN. PETITIONER/PETITIONER/2ND RESPONDENT/2ND J.D:

IBRAHIM S/O.MUHAMMED,IDATHADATHIL HOUSE,
MELMURI AMSOM,KADAMPUZHA DESOM,TIRUR TALUK,
KADAMPUZHA P.O., MALAPPURAM DISTRICT.

BY ADV. SRI.P.CHANDRASEKHAR

RESPONDENTS/RESPONDENTS/PETITIONER/DECREE HOLDERJD NO.1:

1. THE KOTTAKKAL COOPERATIVE URBAN BANK
   LTD,NO.1378, KOTTAKKAL P.O, REP. BY
   ITS SECRETARY.

2. MOIDEEN KUTTY, S/O.MAMMIHAJI,
   PUTHENPEEDIYEKKAL HOUSE,MELMURI AMSOM,
   P.O KADAMPUZHA, MALAPPURAM DISTRICT.

BY ADV. SRI.DEVAPRASANTH.P.J.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 06/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P. Balachandran, J.

C.R.P.No. 59 of 2007

ORDER

The petitioner is the second judgment debtor in E.P.No.20/05 in ARC No.918/03 on the file of the Munsiff's Court, Tirur. He challenges in this revision the order of the execution court, directing him to be committed to civil prison for a period of two months.

2. When the matter came up for hearing, counsel for the petitioner submitted that the petitioner is prepared to discharge the debt in instalments at the rate of Rupees one thousand per month. Counsel for the first respondent/decree holder is also agreeable to that course, but submits that the debt has to be discharged at least in three or four instalments and not at the rate of Rupees one thousand per month. Counsel for the petitioner is unable to submit as to whether Rupees five thousand

ordered to be deposited by this Court, vide order dated 17.1.2007, has been deposited by the petitioner in the court below or not. However, as the decree holder is also agreeable for the debt being discharged in instalments, I set aside the order impugned and remit the case back to the execution court. Parties can arrive at an agreement as to the rate at which the payments are to be made by the petitioner to discharge the debt. Parties shall appear before the court below on 30.3.2007.

This Civil Revision petition is disposed of with the above directions.

6th March, 2007 (K.P.Balachandran, Judge)

tkv